

Attorney Docket No. 87082/AEK

Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s):

Hwei-Ling Yau, et al.

Group Art Unit: 1794

Examiner: Betelhem

Shewareged

INKJET RECORDING
ELEMENT AND METHOD

Serial No.: 10/795,836

Filed: March 08, 2004

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER RULE 132

The undersigned, Hwei-Ling Yau, of Monroe County, New York,
declares that:

She has received a B.S. Degree in Chemistry from the National
Taiwan University in 1979 and a PhD Degree in Polymer Science and
Technology from the University of Illinois at Urbana-Champaign in 1985;

She has been employed as a research scientist for Eastman Kodak
Co. in the area of material science and design for various imaging systems since
1985 and is presently a Program leader for research projects at Kodak;

She is an inventor in the above-captioned patent application;

She has reviewed the outstanding Office Action and any applicable
cited references;

Under her direction and control, the following two experiments
were conducted with the results as indicated:

Landry-Coltrain, US 2003/0138608 (Experiment 1)

Landry-Coltrain suggests, at [0068], that there may be present a "base
layer" to absorb the ink carrier adjacent the support that is either porous or swelling.
In Example 3, [0166] – [0169], the patentee employs "Kodak inkjet Photo Paper"

(catalogue No. 1181197) which has a swelling base layer containing gelatin. Although this precise paper is no longer available, I have determined that the currently available Kodak Premium Photographic Paper is very similar to the older paper from the standpoint of structure and the swelling capacity of the base layer on the support. The water uptake was measured and a swell ratio of 1.93 was obtained meaning that the water uptake was 193% of the dry weight giving a swell ratio of 1.93. This is much greater than the 0.67 swell ratio of the claims in the present application. Thus, the cited reference does not inherently employ a media meeting the claim limitations.

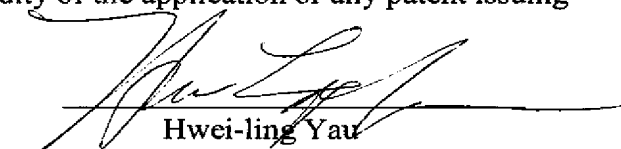
Tang et al. US 6,632,485 (Experiment 2)

As added comparisons, samples were prepared to correspond as closely as possible to the two-layer media of Examples 11-13 of Tang US 6,632,485. No crosslinker was used in these examples. The samples contained 5 parts of (A) hydroxymethyl pyrrolidone and 95 parts of a combination of (B) type 4 (bone) TCG-III class 30 gelatin and (C) Witcobond W-213, a polyurethane. The relative amounts of the three samples for A:B:C were 5:80:15; 5:65:30; and 5:50:45. Thus the amount of gelatin was varied from the 80 wt% of the example to 65% or 50%. The resulting swell ratio ranged from 1.62 to 2.12 vs. less than 0.67 for the invention.

Thus, the data related to both the Landry-Coltrain and the Tang references shows that the swell ratio values of the examples therein are far greater than the present claim limitations allow.

The undersigned declares further that all statements made herein of the undersigned's own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date Jan. 5th, 2009


Hwei-ling Yau